

Notice of Allowability

Application No.

10/768,769

Examiner

Vickie Kim

Applicant(s)

PERRICONE, NICHOLAS V.

Art Unit

1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner's amendment requested on 3/16/06.
2. ☒ The allowed claim(s) is/are 1,3-6,8-12,14 and 15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

VICKIE KIM

PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Helen M. Limoncelli(Applicant's Rep) on 3/15/06.

The application has been amended as follows:

- a. In claim 1, line 1 and line 16, delete [or preventing] and [or prevent] right before "acne", respectively.
- b. In claim 1, line 2 and 14, delete [, or susceptible to,] right after "affected by", and delete [and] right after " thereof;", respectively.
- c. In claim 1, line 15, insert --- ; and optionally, an adjunct ingredient selected from the group consisting an α -hydroxy acid, a fatty acid ester of ascorbic acid, and mixtures of any of these---- between "carrier" and ",wherein".
- d. In claims 5-6, line 1, replace [contains] with --consists of-- right after "composition", respectively.
- e. Cancel claim 7 and 13.
- f. In claim 8, line 1, replace [claim 7 wherein the conventional acne

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medication] with ---claim 1 wherein a conventional acne medication ---
right after "according to" .

- g. In claims 9-11, line 1, delete [the active ingredient in] right after "wherein", respectively.
- h. In claim 12, replace [claim 7 wherein the conventional acne medication] with ---claim 1 wherein a conventional acne medication --- right after "according to" .
- i. In claim 14, lines 1-2, replace [claim 13 wherein the composition contains] with --- claim 1 wherein α -hydroxy acid is --- right after "according to" .
- j. In claim 15, lines 1-2, replace [claim 13 wherein the composition contains] with --- claim 1 wherein a fatty acid ester of ascorbic acid is --- right after "according to" .

Conclusion

- 1. All the pending claims 1, 3-6, 8-12, and 14-15 are allowed.
- 2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickie Kim whose telephone number is 571-272-0579.

The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

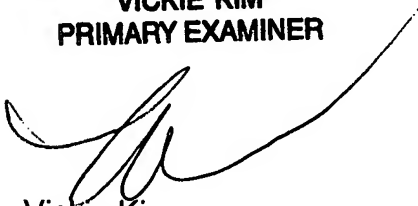
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

**VICKIE KIM
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to be 'Vickie Kim', written over a horizontal line.

Vickie Kim
March 17, 2006
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